

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CURTIS CHESTER SMITH,

Defendant.

CR 11-31-M-DWM

ORDER

On July 29, 2025, United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendations with respect to the disposition of the revocation proceedings stemming from the April 30, 2025, petition for revocation of Defendant Curtis Chester Smith's supervised release. (Doc. 40.) The petition alleges three violations: (1) must not knowingly acquire, possess, or view any materials depicting sexually explicit conduct; (2) must not use any computer, phone, tablet, data storage device or media to access sexually explicit materials, and must not possess encryption or steganography software; and (3) must enter and successfully complete a sex offender treatment program.

At a final revocation hearing on July 29, 2025, the Defendant partially admitted Violation No. 1 and fully admitted Violation No. 3 of the petition. The

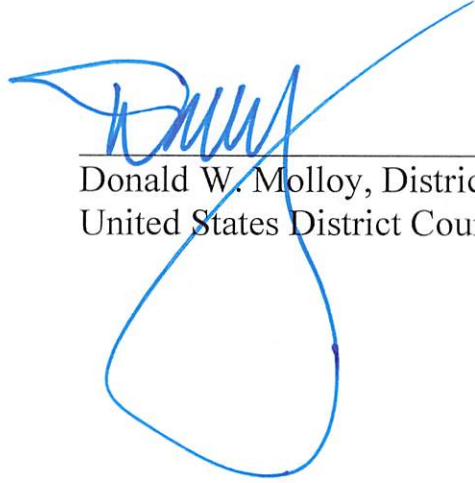
United States moved to dismiss the remainder of Violation No. 1 and Violation No. 2. Based on admissions, Judge Cavan found that Smith committed the violations alleged in the petition and recommends that supervised release be revoked and that this Court sentence Smith to 5 months imprisonment followed by 115 months of supervised release. Judge Cavan further recommends that the remaining allegations in Violation No. 1 and Violation No. 2 be dismissed.

Neither party has filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Finding no clear error in Judge Cavan's conclusion that the defendant violated the conditions of his release in the manner set forth in the petition, and that the defendant's supervision should be revoked, the Court adopts those findings and recommendations. (*See* Doc. 61.)

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendation, (Doc. 61), is ADOPTED IN FULL.

IT IS FURTHER ORDERED that the defendant's supervised release is revoked. Judgment will be entered by separate document.

DATED this 19<sup>th</sup> day of August, 2025.



Donald W. Molloy, District Judge  
United States District Court